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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,156

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9056

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7590

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EXAMINER

YOUNG, SCOTT E

ART UNIT

PAPER NUMBER

3711

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,156	<b>Applicant(s)</b> GOMZAR, IGOR MIKHAILOVICH	
	<b>Examiner</b> SCOTT YOUNG	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-25,27-31,33 and 41-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25,27-31,33 and 41-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Amendment filed April 12, 2010 has been entered. Claims 26 and 32 have been canceled. Claims 21-25, 27-31, and 33 remain pending in the application. Claims 41-49 are new.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 42 recites the limitation "said ledge" in line 2. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Objections***

5. Claims 24 and 43 objected to because of the following informalities: Claims refer to a --needle-- instead of "nipple". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 21-25, 28, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Shen (US 4,988,319).

8. Claim 21: Bloxom discloses **a soap bubble blowing device (title), comprising a tube (21) having one end from which air is supplied and another end at which air**

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**bubbles are generated** (col. 1, lines 24-34), **said tube having apertures for air inflow** (col. 2, lines 20-27), **said tube having a wall provided with folds which form a surface including alternating protrusions and recesses** (col. 3, lines 57-61).

Bloxom discloses the claimed invention except for **a lid with a built-in nipple and a container for a composition, said tube being fixed on said nipple and on fins which are built into said lid**. Shen teaches a lid (7) with a built-in nipple (part inserted into 5) and a container for a composition (col. 2, lines 12-13), said tube being fixed on said nipple (fig. 1) and on fins which are built into said lid (protrusion at the top of 7 that the bottom of 5 rests on). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tube of Bloxom with the nipple and container of Shen, since such a modification would constantly supply bubble solution to the tube.

9. Claim 22: Bloxom discloses that **said another end at which the soap bubbles are generated is provided with a ledge (30) formed as a bulge of said tube** (col. 3, lines 25-27).

1. Claim 23: Bloxom discloses that **said ledge has a rear part provided with indents** (fig. 3, part of 30 adjacent to 32 having a smaller diameter than 32).

2. Claim 24: Bloxom discloses **a built-in nipple which is fixed on said tube, said nipple being rotatable about an axis of said tube** (col. 2, lines 20-27; the entire device is rotatable about an axis, making the nipple rotatable about an axis as well).

3. Claim 25: Bloxom discloses **flexible connecting strips** (wires 15) **which fix said built-in nipple on said tube** (col. 2, lines 28-37).

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4. Claim 28: Bloxom discloses that **said tube is composed of a deformable material** (col. 2, line 54 – col. 3, line 6).

10. Claim 31: Bloxom discloses **a water-wetting porous material which covers said apertures for higher damping efficiency** (col. 2, line 54 – col. 3, line 13).

11. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Shen as applied to claim 21 above, and further in view of Wachtel (US 5,190,490).

12. The combined Bloxom and Shen disclose the claimed invention except for **the tube having an axis and being rotatable about said axis**. Wachtel teaches a tube having an axis and being rotatable about said axis (col. 4, lines 15-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bubble blower of the combined Bloxom and Shen with the rotatable axis of Wachtel, since such a modification would allow the user to control the amount of air that is being supplied to the end of the tube.

13. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Shen as applied to claim 21 above, and further in view of Pick (US 2,711,051).

14. The combined Bloxom and Shen disclose the claimed invention except **for apertures configured as slots arranged between the protrusions and recesses on the surface of the tube for wetting a surface of the tube with water**. Pick teaches that apertures (12) can be slots (col. 2, lines 54-56) on the surface of a tube (10) for wetting the surface with a water-based solution (col. 2, lines 54-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the

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tube with protrusions and recesses of the combined Bloxom and Shen with the apertures of Pick, since such a modification would allow for more even distribution of solution amongst the end of the tube.

15. Claims 33, 41-44, 46, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom (US 2,205,028) in view of Fusco (US 7,086,920).

16. Claim 33: Bloxom discloses **a soap bubble blowing device (title), comprising a tube (21) having one end from which air is supplied and another end at which air bubbles are generated** (col. 1, lines 24-34), **said tube having apertures for air inflow** (col. 2, lines 20-27), **said tube having a wall provided with folds which form a surface including alternating protrusions and recesses** (col. 3, lines 57-61).

Bloxom discloses the claimed invention except for **a casing with a heater for air supplied for generation of soap bubbles, said tube being inserted in said casing.**

Fusco teaches tube (48) inserted in a casing (1 and 2) with a heater (18) for air supplied for generation of bubbles (col. 1, lines 47-64). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tube of Bloxom with the casing and heater of Fusco, since such a modification would create bubbles with additional features.

5. Claim 41: Bloxom discloses that **said another end at which the soap bubbles are generated is provided with a ledge (30) formed as a bulge of said tube** (col. 3, lines 25-27).

6. Claim 42: Bloxom discloses that **said ledge has a rear part provided with indents** (fig. 3, part of 30 adjacent to 32 having a smaller diameter than 32).

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7. Claim 43: Bloxom discloses a **built-in nipple which is fixed on said tube, said nipple being rotatable about an axis of said tube** (col. 2, lines 20-27; the entire device is rotatable about an axis, making the nipple rotatable about an axis as well).

8. Claim 44: Bloxom discloses **flexible connecting strips (wires 15) which fix said built-in nipple on said tube** (col. 2, lines 28-37).

9. Claim 46: Bloxom discloses that **said tube is composed of a deformable material** (col. 2, line 54 – col. 3, line 6).

10. Claim 49: Bloxom discloses a **water-wetting porous material which covers said apertures for higher damping efficiency** (col. 2, line 54 – col. 3, line 13).

11. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Fusco as applied to claim 33 above, and further in view of Wachtel (US 5,190,490).

12. The combined Bloxom and Fusco disclose the claimed invention except for **the tube having an axis and being rotatable about said axis**. Wachtel teaches a tube having an axis and being rotatable about said axis (col. 4, lines 15-20). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bubble blower of the combined Bloxom and Fusco with the rotatable axis of Wachtel, since such a modification would allow the user to control the amount of air that is being supplied to the end of the tube.

13. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloxom and Fusco as applied to claim 33 above, and further in view of Pick (US 2,711,051).

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14. The combined Bloxom and Fusco disclose the claimed invention except **for apertures configured as slots arranged between the protrusions and recesses on the surface of the tube for wetting a surface of the tube with water**. Pick teaches that apertures (12) can be slots (col. 2, lines 54-56) on the surface of a tube (10) for wetting the surface with a water-based solution (col. 2, lines 54-58). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the tube with protrusions and recesses of the combined Bloxom and Fusco with the apertures of Pick, since such a modification would allow for more even distribution of solution amongst the end of the tube.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SCOTT YOUNG whose telephone number is (571) 270-7609. The examiner can normally be reached on Monday-Friday 9am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GENE KIM can be reached on (571) 272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y./

Examiner, Art Unit 3711

/ALVIN A HUNTER/

Primary Examiner, Art Unit 3711